

PLANNING COMMISSION MINUTES OF MEETING
Wednesday, July 28, 2021
7:00 p.m.

A quorum being present at City Hall, 250 North Main Street, Centerville, Utah, the meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.

MEMBERS PRESENT

Kevin Daly, Chair
Cheylynn Hayman
Heidi Shegrud
Spencer Summerhays
Christina Wilcox

MEMBER ABSENT

Mason Kjar
Becki Wright

STAFF PRESENT

Cory Snyder, Community Development Director
Lisa Romney, City Attorney
Mackenzie Wood, Assistant Planner

PLEDGE OF ALLEGIANCE

OPENING COMMENTS/LEGISLATIVE PRAYER Chair Daly

PUBLIC HEARING – ZONE TEXT AMENDMENT – INTERNAL ACCESSORY DWELLING UNITS

Community Development Director Cory Snyder explained that as a result of Senate Bill 82 of the 2021 Legislative Session, cities were required to implement allowance of interior accessory dwelling units (ADUs) as permitted uses, with the ability to regulate some conditions or terms. Mr. Snyder spoke of difficulties associated with the short-term rental of ADUs, and explained the State statute defined internal ADUs as having a rental period of 30 days or longer.

Mr. Snyder presented a proposed Zone Text Amendment. The Planning Commission and Staff discussed the requirement for a property to be owner-occupied and what ownership percentage should be included in the document. Staff recommended requiring occupancy by an individual having 25% or greater ownership interest in a property. Commissioner Summerhays suggested allowing an owner absence for a period of up to three years and a few days. Commissioner Summerhays said he agreed with Staff that impact fees should not be charged for an ADU.

Commissioner Wilcox asked if existing ADUs in Centerville would need to apply for permits. Mr. Snyder responded that ADUs had never been legal in Centerville, and any property owner desiring to operate an ADU would need to apply for a permit. He emphasized the proposed Zone Text Amendment only addressed internal ADUs. The Commissioners and Mr. Snyder discussed that code enforcement in Centerville was done on a complaint basis.

Chair Daly opened a public hearing at 7:33 p.m., and closed the public hearing seeing that no one wished to comment.

Chair Daly said in his professional experience, 20% ownership was frequently used to qualify as an "interested party". He said he would be open to considering a lower percentage.

Commissioner Hayman said she would be comfortable with 25% or 20% ownership, but would be uncomfortable with less than 20%. Commissioner Wilcox said she was comfortable with 25% or 20%. Commissioner Shegrud spoke of situations where children may inherit a home with an ADU from parents, and said the proposed ownership percentage felt discriminatory against large families. Commissioner Hayman responded that an ADU situation with shared ownership between many siblings was unlikely to happen often. Commissioner Hayman said she was inclined to introduce a fairly conservative ordinance. City Attorney Lisa Romney expressed a preference to have an ownership percentage attached to the owner-occupied requirement.

Responding to a question from Commissioner Shegrud, Mr. Snyder explained it was the burden of the property owner to remember when permit renewal needed to occur; however, customer service-wise, the City did provide help when time and work-load permitted.

Commissioner Hayman suggested adding the word "temporary" to language regarding cause for owner absence, and suggested increasing the allowed period of owner absence to four years. She suggested expanding illness as an allowed cause for owner absence to include individuals who were not family members. Responding to a question from Commissioner Shegrud, Mr. Snyder said the City did not have a good landlord program, and briefly explained good landlord programs.

Ms. Romney said, in her opinion, the way the proposed Zone Text Amendment was drafted, an owner could rent out the primary residence during an approved owner absence. Commissioner Summerhays said he was comfortable with the rental possibility given the evidentiary requirements. The Planning Commission discussed how long to set the allowed owner absence, with a majority agreeing on three years and one month. Commissioners suggested minor grammatical changes to the proposed document.

Chair Daly **moved** to recommend approval of the proposed Zoning Text Amendment for Internal Accessory Dwelling Units, with the following changes and reasons for action. Commissioner Hayman seconded the motion.

- Page 5, 12.60.090(a)(1), change 25% to 20%;
- Page 6, 12.60.090(c)(4), change 50% to 20%;
- Page 7, 12.60.090(e), add "of temporary absence" after "showing good cause" in first paragraph, and change "three years" to "three years and one month" in last paragraph;
 - 12.60.090(e)(1), remove "temporary"
 - 12.60.090(e)(3), replace with "Medical or care of others"
- Additional minor changes as discussed.

Reasons for Action:

1. The Planning Commission finds the amendment complies with State law.
2. The Planning Commission finds the amendment implements moderate income housing requirements.

Commissioner Summerhays **moved** to change the owner interest percentage to 12.5%. The motion failed for lack of second. The original motion passed by unanimous vote (5-0).

PUBLIC HEARING – ZONE TEXT AMENDMENT – FENCES AND WALLS

Mr. Snyder explained the City Council recently directed the Planning Commission and Staff to review and recommend potential changes for fencing height limitations, specifically for

situations involving corner lots, along side street frontage. He explained that front yards were currently allowed a four-foot privacy fence for visual uniformity along the street, and side yards were allowed a six-foot privacy fence, and pointed out that a side yard on a corner lot was part of the visual frontage of the rest of the side street. Mr. Snyder presented the following proposed addition to City Code:

(2) **Street Side Yard, Corner Lots** – For residential zones, fencing up to 6 feet in height may be allowed within the street side yard portion of a corner lot, as measured from an interior lot line of the lot to a line intersecting at the Front Yard Setback line of the lot along the other street. Exception, fences shall not exceed 4 feet in height for a minimum distance of at least 12 feet, when a driveway on an adjacent lot is located within 12 feet of the interior lot line of the corner lot.

Mr. Snyder commented the proposed amendment did not address accessory building setbacks, and spoke of potential tensions. Commissioner Summerhays said he believed the City needed to address accessory buildings going forward. The Planning Commission and Staff discussed accessory building setbacks.

Chair Daly opened a public hearing at 8:38 p.m., and closed the public hearing seeing that no one wished to comment. Chair Daly and Commissioner Hayman suggested minor grammatical changes.

Commissioner Hayman **moved** to recommend approval of the proposed Zoning Ordinance Text Amendments regarding “fencing and walls” depicted in red text in the Staff Report, with an illustrative figure as set forth in the Staff Report, with the grammatical corrections discussed, for reasons (a) – (b). Commissioner Summerhays seconded the motion, which passed by majority vote (4-1), with Commissioner Hayman dissenting.

Reasons for Action:

- a. The Planning Commission finds that the proposed text amendments are consistent with and even further the objectives and policies of the City’s General Plan.
- b. Therefore, the Planning Commission finds that the proposed amendments can be deemed acceptable and/or consistent with review factors of Section 12.21.080(e) of Centerville City’s Zoning Ordinance.

LAND USE TRAINING – MUNICIPAL LAND USE, DEVELOPMENT, AND MANAGEMENT ACT – PART 6 – SUBDIVISIONS

City Attorney Lisa Romney provided training on the Municipal Land Use, Development, and Management Act regarding subdivisions, and answered questions from the Planning Commission.

COMMUNITY DEVELOPMENT DIRECTOR REPORT

With no items scheduled for the August 11, 2021 Planning Commission agenda, the Planning Commission agreed to cancel the August 11 meeting. The Planning Commission was scheduled to meet next on August 25, 2021.

MINUTES REVIEW AND ACCEPTANCE

Minutes of the July 14, 2021 Planning Commission meeting were reviewed and amendments requested. Commissioner Hayman **moved** to approve the minutes as amended. Commissioner Wilcox seconded the motion, which passed by unanimous vote (5-0).

ADJOURNMENT

At 9:04 p.m., Chair Daly **moved** to adjourn the meeting. Commissioner Hayman seconded the motion, which passed by unanimous vote (5-0).


Jennifer Hansen, City Recorder

09/13/2021
Date Approved


Katie Rust, Recording Secretary

